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BOND OR FREE?

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MADISON.

ADDRESSED PARTICULARLY TO THE PEOPLE OF ARKANSAS.

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BY

ALBERT PIKE.

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I ADDRESS these pages to the people of Arkansas; and I offer no apology for doing so, because it needs none.

For now, as always heretofore, I seek no office at their hands, nor to serve any end of private profit or ambition. I need not ask their permission to write this, or to print it; and it is of course entirely optional with every one to read it or throw it aside. If the views it contains are correct, they may effect some good, in convincing, or strengthening the convictions of, others. If they are incorrect, they will serve this good end, at least, that they will provoke other men to confute them and so unveil the truth.

Such as they are, I present them as those of one, who, while he has no *more* interest in the State than other of his fellow-citizens, has *as much* interest therein as any of them. They are at least well-considered, honest, and not prompted by passion.

"All experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed."

DECLARATION OF INDEPENDENCE.

We are in the midst of a revolution; and, as is usual, those who are hurried along in its vortex are, for the most part, ignorant of the real causes that have produced the revolution, and of the depth to which the questions involved in the controversy have struck their roots downward among the very foundation-stones of the Republic.

Appeals to the *nonsense* of the people sometimes prove effectual; and the tendency in all political controversies is to limit and narrow questions, and to present them in a practical and empirical manner; because abstract principles, even when fundamental, do not appeal to most men with a thousandth part the force of considerations of present economy, policy or expediency. You must *crystallize* an abstraction into a *fact* that oppresses, before you can arouse a people by it. It is well when a great crisis occurs, that

compels the discussion of the first principles of the Government; and when great Constitutional propositions are debated, without appeal to lower or meaner considerations. Then the debate is lifted above the low flat level of ignominious and angry disputation, and we breathe the thin clear atmosphere that wraps the mountain tops where Truth and Reason sit enthroned.

The men who were successively overwhelmed by the French Revolution, had very inadequate conceptions of the causes that produced it. Those who looked on from a distance were profoundly ignorant of these causes; and History, in endeavoring to develop them, has shown herself ludicrously shallow and superficial. It was not until De Tocqueville pointed out in detail the manifold abuses and oppressions for long years before the Revolution heaped on the common people of France, that we began to understand its real causes.

Earthquake and volcanic eruptions occur suddenly for the most part, and without audible premonition: but the causes, elemental or chemical, which beget them, have none the less been long in operation, silently, incessantly, potently.

Nothing is more essential to the statesman and the people alike, than to understand the true causes that bring about sudden catastrophes; for thus only they can understand the reach and depth of the questions involved, or even what at heart those questions are. And without knowing that, neither statesman or people can know or even guess at the true remedy, or what it is the part of wisdom in the given case to endeavor to do.

Nothing can be settled, until the pith of a controversy is reached and understood. The physician who should mistake the sporadic pustules on the skin for the actual disorder, and undertake to treat *them* alone, would be fortunate if he did not kill his patient; and statesmen who undertake to patch up by compromise controversies caused by radical differences of opinion on great fundamental principles, are like quacks who pretend to cure with cataplasms of roots and herbs, cancers whose roots cling around the very core of the heart.

This, which is now in progress in our country, is clearly a Revolution. It has marched with swift steps. The Southern States are rapidly retiring from the Union, and preparing to seek peace and safety in a new confederacy. We can now look back and see that the current of events has been incessantly drifting us towards this consummation for forty years, little as most of our statesmen believed or even expected it. The Northern States look on, amazed, incredulous, almost distrusting their own senses, busily conjecturing what can be the cause of this movement. They assign for it this or the other reason—that power is passing away from the South, and therefore it is for revolution; that the slave oligarchy are indignant because they cannot have protection for their chattels in the common territory. It is a mere

temporary ebullition, many think, that will soon pass away, and the waters be calm and still again. The Union is too strong in the affections of the people to be permanently dissolved: a little wholesome chastisement of the refractory States will soon bring them back into the national fold: a few ambitious politicians have led the South astray, taken it by surprise, and obtained only unreal majorities for secession, while the mass of the people were in favor of the Union; it is a rebellion of the slavery propagandists; but still the mob has taken everything into its own hands; and there is a genuine Reign of Terror.

All this is the merest babble. Revolutions that shatter empires are not improvised, under the spur of a causeless excitement, by a few schemers or malcontents. Habit is a stronger bond of union than affection, and its influence can only be destroyed by the operation of sufficient causes, acting for a long time. It is *continual* dropping only, that wears away the stone. The present movement is a general, and for the most part spontaneous, uprising of the People; and he is a very shallow pretender to statesmanship who supposes it to be the ebullition of a mere temporary fit of passion. We all act very much from instinct; and peoples do so no less than individuals. They are often unconscious of the true springs of their action; and it is well when they possess that unerring instinct that warns them of the approach of an unseen danger. The symptoms of a disease are not the disease itself; the chill is only a consequence of the internal and organic malady. The Border States do not appreciate the questions involved in this controversy; but reproach those further south that they have lost no fugitives, and yet secede because the North refuses to comply with its obligations to return them. The question of southern rights in the Territories, too, they say, is an abstraction, because we have now no longer any Territory into which Slavery can go. This is, in the truest sense, to mistake the mere symptoms for the disease.)

So men tell us that these troubles are altogether owing to the rash and violent course of politicians north and south, and chiefly to the passage of the Nebraska and Kansas bill. They say that it could all have been avoided, if our public men, and especially the Democratic leaders, had only been wise and patriotic. That may be true. If the ship had not sunk, the man would not have drowned. All men, as well as all circumstances, are instruments used by Providence to effect its great purposes. Why and to what use blame the instrument? But for too much or too little rain, the grain-fields would have laughed with their golden waves. If George III. and Lord North and the British Parliament had been wise, the Colonies would not have revolted—*then*. Was it not as well for them to revolt *then*? Could they *always* have remained Colonies? Was it not well that king and minister and Parliament would not listen to Chatham and Barré?

Mr. Seward, who is ambitious to wear the honors of philosophic statesmanship, and thinks to attain them by antitheses and paradoxes, pronounced, a year since, that there was an "irrepressible conflict" begun between the North and the South. It was true; but it was not true in the sense in which he applied it. The real controversy between them is as old as the Constitution itself. For it is a radical difference as to the very nature of the Government; and it arrayed against each other the first parties formed in the Republic. The Southern States hold, as Jefferson and Madison and all the Anti-Federal party held, that the General Government is the result of a compact between the States; a compact *made* by the States, amendable by the States only, and dissolvable by the States whenever it fails to answer the purposes for which they created it. The earliest symbol of the Union—a chain, composed of thirteen circular links, each perfect in symmetry and complete in its separate identity—well expressed the true nature of that union, and the Southern States' rights doctrine. The Northern States, on the contrary, hold that there is no such compact; that the *whole* people of *all* the States, as an aggregate and unit, made the Constitution; and that there is no right of secession retained by a State; from which, by our American common law, it results as an inevitable corollary, that whenever the majority of voters of the whole Union choose to exercise the power, notwithstanding the mode provided by the Constitution for its amendment, they may call a Convention, not of the States, nor in each State, but of the whole People of all; and, the majority being there represented, may set aside the present Constitution of the United States, and make a new one, making, if they please, of the whole Union a single State, and of the States mere Counties. 5

For it is fresh in our recollection that the People of New York, not many years since, held a Convention, in utter contempt of their Constitution, and of the mode which it provided for its amendment, and made a new Constitution, which the highest Court of that State held valid; and it governs that State now.

And it will also be recollected that it was earnestly argued, by Southern men, only two years ago, that the People of Kansas would have a right to change their Constitution, in defiance of the provision contained in it, prohibiting any change for a certain length of time.

If seven men agree to go into business together, and make a contract to that effect, and three of them hold that it is an ordinary partnership they have established, while the other four hold that it is a corporation—if such were the different understandings of the parties in framing the contract, perhaps on the principle that there is no contract unless the wills of the contracting parties agree, there would be *no* contract between them at all. It clearly

could not be a mere partnership for part, and a corporation for part, of them.

If the difference were even only one of interpretation, it would continually reappear in the various transactions of the parties; and it is very evident that, being so radical and fundamental a disagreement, it would in a little time render continuance of the connection impossible.

That is precisely the case with the Union which is now being dissolved. There is a difference as wide and substantial between this Government, as its nature is understood by the fifteen Slaveholding States, and the same Government, as its nature is understood by the nineteen Non-Slaveholding States, as there is between Constitutional Monarchy in England and Imperial Absolutism in France.)

We should not consent to remain a day in such a Government as Mr. WEBSTER confirmed the North in holding this to be. We do not believe that a centralized and consolidated government, built on the theory that the people of all these States were massed into one in order to make it, can have perpetuity or even continuance. To us the value and only recommendation of the Government are that it is the result of a compact between the States, that no individual action, but only State action, is constitutionally felt in the General Government, and that the States remain as they were when they achieved their independence, "FREE, SOVEREIGN, EQUAL, AND INDEPENDENT STATES."

This radical difference of opinion, as to the very *nature*, and of course as to the *powers*, of the General Government, could not help but continually develop itself in legislation as well as in the creeds of parties. Upon it, as I have said, the first parties in the Republic were formed; and parties degenerated into factions when other and pettier questions pushed it to one side. *It is a difference of opinion that cannot be reconciled;—and the Northern people are nearly two to our one.*)

While they hold that this is simply a government of popular majorities, and degrade the States to the rank of Parishes or Counties, they have become too strong for us, outnumber us in people and States, receive a hundred thousand emigrants per annum, have open space wherein to make six or seven new States, and announce it as their ultimatum that *we* shall not expand southwardly or southwestwardly, but slavery shall be prohibited in all territory hereafter acquired.

He who reflects on all this, cannot well fail to see that separation was but a question of time. Sooner or later the North and South could not help but divide, unless the powers of Government were placed and kept in the hands of the wisest Statesmen of each. If they were habitually intrusted to second-rate men, disintegration was inevitable. How much more so, if possible, when the pulpit in the North assumed the powers of legislation,

and stirred a practical question that jeopardized the safety of every home in the South, aroused its pride, and touched its honor? It became as easy to destroy the Union as the crazed incendiary found it to burn the Temple of Diana at Ephesus.

The party which calls itself Republican has at length succeeded to power. In the controversies that have finally resulted in the election of its obscure candidate to the Presidency, the questions chiefly discussed have been those provoked by the feeling in the North against Slavery; and particularly that of the rights of the Southern States and their citizens in the common territory.

If it was then important, it is now still more important to understand the real issue between the North and the South, and the reach and extent of the principles involved. For now we are about to sever the bonds that have for seventy-three years held us together, and to create and set on foot a new government for ourselves; and it is especially essential that the ground of separation should not be misunderstood by any considerable portion of our own people, that a mere corollary should not be mistaken for the essential principle involved, and that a part of our people and some of our States should not imagine that there is no more vital principle or broader question at issue, than the interests of slave-owners and the right of emigration into uninviting and inhospitable territories.

Abstract theories of government rarely enlist the passions of the people. They operate chiefly on the minds of Statesmen. But when these theories, applied to and developed in facts, become palpable realities, then the popular heart is moved by them, and they beget revolutions.

I, for one, have not deplored the agitation of the question of slavery. For in its discussion have been all the time involved the very essential nature and terms of the compact under which our national system exists. The questions to which Slavery has given rise could not have remained unsettled, nor been ignored, and the real issues are far graver than that of the right of a Southern citizen to emigrate to a Territory with his slaves.

The theory of the North, that the People of *all* the States, as *one* People, made the Government, has become a living reality in practice. The doctrine of the North as to the Territories is but an application of it; and if the Southern States, from Delaware to Texas, do not mean to abandon their Constitutional faith, admit that there is no union of *the States*, and submit to the worst of absolutisms, that of a foreign majority, they must stand shoulder to shoulder, one firm unbroken phalanx, in this great emergency, and prove to the world that they are strong, wise, and patriotic enough to form and maintain a Constitution and Government for themselves.

This issue concerns little Delaware as much as it does Louisiana, if not more; and Kentucky and Virginia as much as it does Ala-

bama and Georgia. And it concerns the man who owns no slaves quite as much as the man who owns them, as I think can be demonstrated; and this is what I wish to show.

The first resolution of CALHOUN, introduced by him in the Senate, on the 22d of January, 1833, asserted: "That the People of the several States composing these United States, are united as parties to a constitutional compact, to which the People of each State acceded as a separate Sovereign Community, each binding itself by its own particular ratification; and that the Union, of which the said compact is the bond, is a union *between the States ratifying the same.*"

WEBSTER, in his Speech delivered the 16th of February, 1833, maintained, against this proposition: "That the Constitution of the United States is not a league, confederacy or compact between the people of the several *States*, in their Sovereign capacities; but a government proper, founded on the adoption of *the People*, and creating direct relations between itself and individuals."

He said: "It is **THE PEOPLE**, and not the States, who have entered into this compact; *and it is THE PEOPLE of ALL the United States.*" . . . "The Constitution is founded on the consent of *the People.*" . . . "The Union is not the temporary partnership of the States. It is the association of *the People*, under a *Constitution of Government.*"

There is the great *theoretical* question now at issue. It is the most fundamental of all questions; since the construction and consequences of every compact must chiefly depend upon the question, *who* made and are the parties to it. Its decision must decide what is the proper *name* for the system we are under; what is citizenship of the United States; what our paramount allegiance; what, treason; where is the proprietorship of the territories and the rights and relations of those who go thither; what, the rights of the States and their citizens therein.

And, I think, on this question always depended the perpetuity of our National life. I do not think it was ever possible long to preserve the Union on the theory adopted by Federalism and expounded by WEBSTER. I do not think it was worth preserving on it; and I do not think the theory was true, or that it ever found the least *real* countenance in the Constitution, interpreted by the ordinary rules of legal construction.

The Constitution must be construed by the same rules as other instruments. Where the language is not ambiguous or obscure, it must speak for itself, and you cannot resort to *other* means of ascertaining its meaning, such as the debates in the convention that adopted it. Where the sense is, according to legal rules, not doubtful, it cannot be varied or qualified by *proof* that it was not

so intended. Men must see to it that they use such language as will not speak in a contrary sense to what they mean. No other rule would be just to *all* the parties. And, moreover, in the procession of the ages, a time comes when these extrinsic aids to construction disappear and the instrument stands by itself, to speak for itself, and be construed by its language alone. It is so with Magna Charta. At least, the cotemporaneous or precedent circumstances, acts and words fade *partially* away, and become dim and indistinct, as the monument on which they cast their light, becomes hoary and venerable with age.

The Constitution, it is true, created one Nation for certain purposes, and "a Government proper, founded on its adoption by the People" [of each State separately as one political unit], "and creating direct relations between itself and individuals;" but it does not, *therefore*, follow that it is not *itself* a compact between the several States, in their sovereign Capacities.

WEBSTER said of CALHOUN, "If he admits our instrument of Government to be a *Constitution*, then, *for that very reason*, it is *not* a compact between Sovereigns; a Constitution of Government and a compact between Sovereign Powers, being things essentially unlike in their very natures, and incapable of ever being the same;" and he afterwards said, that there was no *compact* between the States, because the people only ratified a *Constitution*, or form of *Government*. Is it true that a compact between Sovereign States cannot *create* or *produce* "a government proper" over the People of both? *Why* is it true, if it be so? Could not two or more Sovereign Powers, by *compact* made between them, constitute themselves into one Nation? Is it true, as Mr. WEBSTER evidently imagined, that this could not be effected by the concurrent but distinct consent of *each* of the States; but only by the concurrent consent of all the *people* of both or all, in their individual capacity, and acting, in that matter, as a unit.

Scotland and England *were* separate and independent States and Kingdoms. Now they are, with Ireland, but one Nation. Surely that was effected by the separate but concurrent action of each *State* or Kingdom. The only difference is, that *our* Constitution required the action of each *State* to be endorsed by the determination of its *People*, in convention, and not by the act of its Legislature; while in England and Scotland, the action of the Parliament of each Nation was the act of the Nation.

The first question to be determined, evidently is, "*Who* made the Constitution?"

When the Delegates from twelve of the thirteen States met together in that Convention which sat in 1787, and framed our present Constitution, each of the thirteen States was an independent Republic, formally so acknowledged by each other, by England, and by all the world, all being simply linked and leagued together by "*a firm league of friendship with each other, for their*

common defence, the security of their liberties, and their mutual and general welfare." It was expressly stipulated by the articles of confederation of the year 1777, that "*Each State retains its Sovereignty, freedom, and independence;*" and their joint or general interests were managed by "*The United States in Congress assembled,*" that is, by a meeting or coming together of Delegates, not less than two, nor more than seven in number from each State; in which Congress or meeting each State had one vote, and paid its own Delegates. Each State raised its necessary quota of all moneys needed for general purposes, in proportion to the value of land within it held by private title. No judiciary was provided for, except Prize Courts, and Special Tribunals or Boards to try controversies between the States. If moneys were borrowed, the debt was due by the States as joint debtors. To exercise the most important of the powers delegated, the assent of nine States was necessary. Each State retained the title to its lands, and it was finally provided in these words: "*and the articles of this Confederation shall be inviolably observed by every State, and the Union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them, unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the Legislature of every State.*"

Under these Articles of Confederation, all acts of a national character were done by all the States jointly. It was declared to be a simple league or partnership of the States; and *in contemplation of law*, the States concurred in and *themselves* did every act done, and exercised every power of Government. In *fact*, the powers of making war and peace, treaties and alliances, of sending and receiving ambassadors, providing by law rules in regard to captures and prize, establishing prize courts, and courts for the trial of piracies and felonies on the high seas, borrowing money and emitting bills on the credit of the United States, coining money and regulating its value, fixing the standard of weights and measures, regulating trade with Indians, establishing and regulating Post Offices, and exacting postage, making rules for the government of the land and naval forces, building and equipping a navy, necessarily made the States, *for certain purposes*, one nation; and several of these powers could be committed to a Committee of Delegates, one from each State, to be exercised in the recess of Congress. The powers expressed necessarily involved other incidental powers; and there *was* a government proper, though with very limited powers, to be exercised by Representatives of the States, and which "created direct relations between itself and individual citizens."

But the powers so to be exercised were not sufficiently extensive, nor intrusted to efficient hands. The States discovered that larger powers must be conceded, that there must be something more than a mere partnership of the States, and that another Body Politic

must be created, for the management of the national affairs, with the necessary officers and machinery to render it efficient. But we may safely challenge any one to show that they meant that this new system should be created, not by themselves, not by the States, but by the *People* of *all* the States, amalgamated for the purpose and occasion, and for all future time into one mass. They still intended *a union of the States*, but a *more perfect* union—a term which imports that the self-same persons or members before united, were to be drawn more closely together; and not that a *new* union was to be made, of *other* persons.

The phrase, "THE UNITED STATES OF AMERICA, *in General Congress Assembled*," was adopted in the Declaration of Independence: and the Articles of Confederation provided that "the style of the Confederacy" should be, "THE UNITED STATES OF AMERICA." This term, no one will doubt, under *that* system at least, did not mean one political *Unit* or *Entity*, but a mere union and concurrent action of the States *as* States, each acting as an Individual. No body corporate or politic, distinct in law from the members, was created; and the style of the Confederacy was in substance the same as if it had been, "*The Thirteen American States, united in a firm league of Friendship, and for certain purposes acting in concert.*"

The Delegates from twelve of these States (Rhode Island not being represented), who assembled in Convention in 1787, had no power to *adopt* a Constitution, to carry into effect any change in the existing system, or to put in operation a new Union or Government. Any change in the existing system had, as we have seen, to be confirmed by the *Legislature* of *every* State. Their only power was to *draft* a Constitution, and *submit it to those States*, for each separately to consider and enact or reject it.

The Convention did settle and frame a draft of a Constitution, which provided that its *ratification*, i. e., the acceptance and adoption of it as the act of their States, by the Conventions of any nine States, should be sufficient for its establishment "*between the STATES so ratifying the same.*"

WEBSTER well said: "It is to be remembered, that the Constitution *began to speak* only after its adoption. Until it was *ratified* by nine STATES, it was but a *proposal*, the mere draught of an instrument."

If he had been arguing the question before a court, he would have seen, or if he had not, would have been speedily made to *feel*, that by this remark he conceded away his ease. If the Constitution began to speak only then, it was because it was in law and fact the act of those *persons* in law, who ratified it; for, ratifying, they *made* it. *They* spoke through it, and it was *their* deed, and they the only parties to it; and *they*, he said, were the *States*, and so indeed they were.

The legal rules as to Principle and Agent apply as entirely to

transactions of this nature as to any others, and *legal* ideas only are *correct* ideas in regard to them. For they are the rules and ideas of universal justice and right reason, and by them the nature, effect and validity of the acts of all agents must be determined.

A Commonwealth or State is one *Person*, whose will, by virtue of the compact of many men or States, is to be received for the will of them all. A multitude of men, or several States or Corporations, are made *one Person*, whenever they are united into one political organization, which exercises the powers of government by means of the appropriate instruments. Each of the twelve States in question was a political and moral Being, Person, and Entity, in law, separate and distinct in its individuality and action from each and all of its citizens or people; just as a Bank is a distinct individual in law from its Stockholders, who may continually shift and change, while *its* individuality remains always the same. *They* do not jointly owe *its* debts. They are not sued when *it* is sued; and it may sue and contract with any one or more or all of them. The Delegates of 1787 were agents, *each of his own State*, AND OF IT ALONE; and they declared, at the end of the Constitution, that what they had done, was "done by the unanimous consent of the STATES present."

When the Principal adopts and ratifies the act of his agent, he makes that act to have been in law his own act, from the beginning. That is so, even when the act is such a one that it *might* be the agent's; as, for example, a purchase of goods. Here the agents did not assume to act finally for or to bind their Principals. They simply *drafted* a Constitution, to become operative, and be an actual, living, effectual instrument, only when nine States should have accepted it as the act of each. Until then, it was like a deed drafted by a scrivener, but not sealed or signed. The *ratification* by the States was the signature and sealing; *and by it they MADE the Constitution*. It was not the Constitution of 1787, but of the 21st of June, 1788; on which day the ninth State, NEW HAMPSHIRE, accepted and ratified it; and on which day it was delivered as their deed, and became a binding and operative compact between Delaware, Pennsylvania, New Jersey, Georgia, Connecticut, Massachusetts, Maryland, South Carolina, and New Hampshire; those States *then* solemnly and in unison making this declaration (in which Virginia united *five* days, and New York *thirty-five* days after): "WE, *the People of the United States*, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, DO ORDAIN AND ESTABLISH THIS CONSTITUTION FOR THE UNITED STATES OF AMERICA."

In January, 1786, Virginia, by her Legislature, had proposed a Convention of Delegates from the States, for the purpose, osten-

sibly, of augmenting the powers of the Congress in respect to the regulation of commerce. It was held at Annapolis, in September, 1786, only five States being represented, and it confined its action to a recommendation that all the States should appoint Commissioners, who should meet at Philadelphia on the 2d Monday of May, 1787, "to take into consideration the situation of the United States, to devise such further provisions as shall appear to them necessary to render the Constitution of our Federal Government adequate to the exigencies of the Union; and to report such an act for that purpose, to the United States in Congress assembled, as, when agreed to by them, *and afterwards confirmed by the Legislatures of every State*, will effectually provide for the same."

This recommendation being placed before the Congress, it resolved, on the 21st of February, 1787, that the Convention recommended should be held, "for the sole and express purpose of *revising the Articles of Confederation*, and reporting to Congress and the several Legislatures such alterations and provisions therein as shall, when agreed to in Congress, and confirmed by the States, render the Federal Constitution adequate to the exigencies of the Government, and the preservation of the Union."

The draft of the Constitution having been laid before Congress, it ordered, on the 28th of September, 1787, that it should "be transmitted to the several Legislatures, in order to be submitted to a Convention of Delegates *chosen in each State* BY THE PEOPLE THEREOF, in conformity to the resolves of the Convention."

It having been accordingly ratified by Conventions in eleven States, Congress, on the 13th of September, 1788, taking it as thereby in full force, and not needing *its* ratification, simply fixed the times and places for taking the preparatory steps, and setting on foot the government under it.

If, therefore, the radical change in the very *nature* of the government which WEBSTER insisted upon, really *was* made by the Constitution, it is at least certain that no such fusion of the people of all the States into one mass, no such compact of individuals, instead of a compact between States, no such government created by the people of all acting as a unit, as the one sea of many waves, and not by the States as political and equal entities, was anticipated or dreamed of in advance.

And, if the reader will now lay down this pamphlet, and before proceeding with it, *read* the Constitution and its amendments from beginning to end, he will at once agree with me, that no such intention or purpose is *distinctly* announced anywhere in that instrument. If it makes the change, it does it by implication only; and the strongest argument for it is, that it begins with the phrase "WE, the People of the United States, . . . do ordain."

This, it is continually reiterated, shows that the *States* did not create the Government, but the *one* People of all the States; not

the People of *each* State, giving the *State's* consent; but all the *individuals*, in *all* the States, each individual giving *his own* consent. The argument is pardonable, in the mouth of a man innocent of all knowledge of the law; but *only* there. It is simply a question whether the word "*People*" is to be taken collectively or distributively; and every lawyer who knows anything, knows that the expression, taken by itself and unexplained, admits as naturally and legitimately of one construction as of the other. The use attempted to be made of it has simply been a *fraud* on unlearned men, which a lawyer would never have tried to practise on a court.)

The Constitution itself declares who made it, in the most positive and unmistakeable terms. "The ratification of the *Conventions* of nine *States*," it declares, "*shall be sufficient for the establishment of this Constitution*, BETWEEN THE STATES SO RATIFYING THE SAME." He that ratifies, makes: and if the *States* did not ratify and so make the Constitution, *it never has been in force at all*.

In ratifying the Constitution, each State had one voice; and it would have been defeated, if eight States only had ratified it, though by the unanimous vote of every man in their limits; and though these were a large majority of all the voters of all the States.

The Convention of 1787, which framed the Constitution, was composed of Delegates who derived all their powers from the States, each acting by its Legislature. They were "*appointed by the several States*." And when the Congress of the States, in September, 1787, received the draft of a Constitution from that Convention, they transmitted it to the several Legislatures of the States, "in order to be submitted to a Convention of Delegates chosen in each State *by the People* THEREOF." Nine *States*, in September, 1788, in the old Congress, made the enactment to put the Constitution in operation; on the ground that "*the several States*" had "*ratified it*."

Amendments to the Constitution are to be "*ratified* by the Legislatures of three-fourths of the several *States*, or by Conventions in three-fourths thereof." In either case, it is the *State* that ratifies. It follows, that, if the *States* did not make the Constitution, if it is not a Constitutional Compact between *them*, then, whenever amended, it will be in part one thing and in part another; in part made by the States, and in part by the individuals who compose the whole people of all the States.

So that the Constitution itself plainly and positively declares who *made* it, and who are to *amend* it. Nor is it these declarations alone that consolidationism has to ignore. It is continually confronted by the explicit language of the instrument. "New *States* may be admitted by the Congress into this Union." Union of *what*! Of course of such members as those to be admitted into

it—of *States*. “The United States shall guarantee to every *State* in this *Union* a Republican form of Government.”

As to the word “*People*,” it was not used for the first time in the Constitution. The Congress of Delegates, which assembled in September, 1774, called themselves, in their more formal acts, “the Delegates appointed by *the good people of these Colonies*.” No one ever dreamed that that meant that those Colonies had become *one* people—a political unit. The word was taken distributively, as meaning the good people of each *separate* Colony. These Delegates were appointed, some by the popular or representative branch of the Colonial Legislature, and some by Conventions of the People. The Supreme Power, in each Colony, was thus asserted to reside in *the people* of *that* Colony, as one integral unit, and *each people* was one *entity* and *person* complete in itself. The very first act of these Delegates was to decide and declare that in determining questions in the Congress, each *Colony* should have *one vote*. It was, therefore, *the Colonies* in council. The second Congress, elected in the same way, met in May, 1775; and in July, 1776, as all the world knows, “*the thirteen United STATES of America*, in Congress assembled,” uttered *their* great Declaration of Independence. By it, “the Representatives of the United States of America, in General Congress assembled,” did “*in the name, and by the authority of THE GOOD PEOPLE OF THESE COLONIES*” [using the word “*people*” precisely as it was afterwards used in the preamble of the Constitution, and in the same sense, of the People of *each* Colony, meaning each by the *people* of each] “solemnly publish and declare that these *United Colonies* are and of right ought to be free and *independent* States.”

The articles of confederation professed to be made, “the better to secure and perpetuate mutual friendship and intercourse among *the people* of the different States in this Union;” and provided for “*the people* of each State free ingress and egress to and from any other State.”

The Constitution gives no indication of any intention to use the word “people” in any new or enlarged sense. No hint is given of an intention to change the *nature* of the Union, or the *parties* to it. It was a union of *States*, and it was to continue so, only a *more perfect* union of the same. The very attesting clause of the Constitution reads: “*Done in convention by the unanimous consent of THE STATES present*.”

MADISON, who certainly knew, as well as any man, by whom the Constitution was understood at the time to be made, has given his testimony in the strongest terms: He said, in a letter to Judge ROANE, on the 29th June, 1821: “Our governmental system is established by a *compact*, not between the Government of the United States and the State Governments, but between *THE STATES AS SOVEREIGN COMMUNITIES, stipulating EACH with THE OTHER* a surrender of certain portions of *their* respective authori-

ties, to be exercised by a common Government, and a reservation for *their* own exercise, of all the other authorities."

In September, 1829, he wrote, that it was a fundamental error to suppose that the State *Governments* were parties to "*the Constitutional compact*" from which the Government of the United States results. And he says: "The real parties to the Constitutional compact of the United States are the *States*, that is, the people thereof *respectively* in their Sovereign character, and they *alone*, so declared in the Resolutions of 1798, and so explained in the report of 1799. . . . The Constitution of the United States was created by the People *composing the respective States*, who alone had the right."

The *government* of a State, as contradistinguished from the State itself, is not a legal Person or Being, but merely the Officers and instruments through which the State acts and exercises her powers. As it was proposed to transfer certain of the powers of government from the Persons in law, the States, which then held and exercised them by means of their Legislatures and other Departments and officers, it was held that the *People* of the State alone could, in effecting that result, be regarded as the State; that if the Legislature alone did it, it would not be done by the *State*, because to do it was not a power vested in the Legislature. The will and decision of *the people*, in the Convention, was the voice of *the State*; for the State did not cease to exist, nor was its vitality *suspended* temporarily, and society resolved into its original elements, so as to allow the *People* as a mass of *individuals*, to take action which should *not* be the action of the State. *The State in Convention* adopted the Constitution, and transferred certain of its powers to the Nation, and imposed limits and restrictions in many respects on its own action and powers.

In his letter to WEBSTER, on the 15th of March, 1833, he expresses his view still more distinctly. He says: "It is fortunate when disputed theories can be decided by undisputed facts. And here the undisputed fact is, that the Constitution was made by the People, *but as embodied into the several States* WHO WERE PARTIES TO IT; and, THEREFORE, *made by the States*, in their highest authoritative capacity."

WEBSTER criticized the phrase "constitutional compact," declaring it a new term, invented by "the grammarians of the school of nullification;" and said we might as well speak of a *constitutional* deed or bill of exchange, as of a constitutional compact between sovereign powers. On both points he was very unfortunate. The phrase was *not* new; it was used deliberately, and more than once, in the same sense wherein CALHOUN used it, in the report of 1799, written by MADISON; and as to the *meaning* of the word, he was equally at sea. He said that a *constitution* and a *compact* are things *radically* different. They are, on

the contrary, things radically the same. Both words come from the Latin, and retain their original meaning. One of the meanings of *constituere* is, to *accord, agree upon, concert a thing together*; *constitutum* is often used by Cicero to mean *agreement or compact*; and Quintillian, the grammarian, says: "*CONSTITUTIO est in lege, more, judicato, pacto*:" "A CONSTITUTION consists in *law, custom, judgment or compact*."

Mr. WEBSTER said that the *States*, by the constitution, *promise* nothing, and *engage* themselves to nothing. That was the poorest of quibbles. The first lesson a lawyer learns, if he ever *really* learns anything, is to look through the words into the substance of things. It makes no difference in what particular *form* any instrument is drawn; and a promise *implied* is as much a promise as one expressed. What would be thought of a lawyer who should read over a deed of conveyance, and finding no *warranty*, or express *covenant* of any kind, should say, "why, the grantor here *promises* nothing, and *engages himself* for nothing?" or who, reading a charter of incorporation, should say, "these parties are *commanded, empowered, restricted, enjoined*, by this instrument; but they *promise* nothing and *engage* for nothing?"

When the States consented that the Supreme Court should have jurisdiction "of controversies between two or more States," surely they *engaged* themselves to submit to the jurisdiction and abide the judgment rendered. If they did not *promise* and bind themselves not to enter into any treaty, coin money, emit bills of credit, pass bills of attainder, and other laws, and maintain navies, how came these provisions to be obligatory on them? The *people* of the United States had no power to prohibit the doing of these things by a State. The people of Virginia had no right or power to say that New York should not do them. She *agreed* to that. Did the States not *agree* to give full faith and credit to the public acts, records and judicial proceedings of each other? By what process against *individuals* could the General Government prevent the granting of a title of nobility by a State? or prevent a State from entering into a compact with another State or a foreign power? Did not the *States* AGREE to deliver up criminals and fugitives? What absurdity to say that these are not agreements, promises and engagements made by the *States*, and the observance of which is insured by *their* plighted faith alone.

The *States* exercise, or at least *should* exercise, all the powers of the General Government, under the Constitution. The *Legislative* power is vested in "a Congress of the United States." The same phrase was in the Articles of Confederation,—"*The United States in Congress assembled*;" and there pains was taken, as it were, to impress it on the mind that the *States*, THEMSELVES present as Peers, in this Amphictyonic Council, met face to face and transacted the common affairs. It was a fine idea, not thrown aside by the Constitution. Our acts of Congress still are enacted by

"The Senate and House of Representatives of the United States of America in Congress assembled." It is not the *Senate* and *House* that are assembled in Congress, but *the several United States of America*; often as we now lose sight of that fact, that *great* fact, which is the distinctive characteristic of our government, and in which alone was hope of safety and assurance of continuance.

In this "coming together, assembling," [*Congressus*] of the States, it is *the States*, in legal contemplation, that sit and vote by their agents. No State can "be deprived of ITS equal suffrage in the Senate." It is *its* vote that is given there.

And it was *meant* that the States should also vote in the House. The Representatives were to be "apportioned among *the several States*;" and chosen "by *the people* of the several States." The State of New Hampshire was, at first, "entitled to choose three;" Massachusetts, eight; and so on. "Each *State* shall have at least one Representative." To "*represent*" is "*to make present*." It is the State that is made present there.

The *Executive* power is vested in "a President of the United States of America." Each *State* APPOINTS a number of electors equal to her vote in both Houses of Congress. They give *her* vote. Thus, the electors do not represent the *popular* vote. The smallest State has her two senatorial votes. It is as if the President were elected by a Convention of both Houses of Congress. If the Electors fail to elect, the *States*, each giving one vote, elect the President, in the House; and the Vice-President, each giving *two* votes, in the Senate.

The *Judicial* power is vested in judges, appointed by the President who is elected by the States and represents them, and confirmed by the States in the Senate.

And, in short, there is no political act done by the United States, in which the voices of *all* the people of all the States are taken as one mass, and concur, the majority governing. The People only act through their organizations as States.

These have always been the Southern Democratic or States-rights doctrines.

The celebrated Virginia resolutions of 1798, to which the Democratic party has ever since adhered, were drafted by MADISON, but submitted and defended in the State Legislature by JOHN TAYLOR, of Caroline, the great apostle of strict construction. These resolutions thus announced the opinion of Virginia as to the nature of the Constitution itself, and the limit and extent of the powers of the National Government; and the South now claims no more than the Mother of States then claimed:—

"2d. The General Assembly most solemnly declares a warm attachment to *the union of the States*, to maintain which it pledges all its powers; and that, for this end, it is their duty to watch over and oppose every infraction of those principles which con-

stitute the only basis of that Union, because a faithful observance of them can alone secure its existence and the public happiness."

"3d. That this Assembly doth explicitly and peremptorily declare, that it views the powers of the federal government as resulting from the *compact* to which *the States are parties*, as limited by the plain sense and intention of *the instrument constituting that compact*; as no further valid than they are authorized by the grants enumerated in that *compact*; and that in case of a deliberate, palpable, and dangerous exercise of other powers, not granted by the said *compact*, the States who are parties thereto, have the right and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining within their respective limits, the authorities, rights, and liberties appertaining to them."

That the mover of the resolution consented to strike out the word "*alone*," in the 3d resolution, which, as originally submitted, declared that the States *alone* were parties to the compact, does not at all prove, as has been argued, that the friends of the measure were "anxious not to transgress the bounds of historic truth and do violence to the language of the Constitution, by affirming (what was not accurate) that the States *alone* are parties to the compact, founded and confirmed by that instrument." It only proves that, in order to avoid debate, and to obtain, if possible, unanimous assent to the resolutions, they consented to omit a word which was in reality not necessary, and whose omission in no way weakened the position assumed. The resolution still asserted that the Constitution was a *compact*, and a compact between the *States*. So did the Kentucky Resolutions of 1798, reaffirmed in 1799, and said to have been drafted by Mr. Jefferson; for, as drafted, they declared:—

"1. *Resolved*, That the several *States* composing the United States of America, are not *united* on the principle of unlimited submission to the general government; but that by *compact* under the style and title of a constitution for the United States, and of amendments thereto, *they* constituted a government for special purposes, delegated to that government certain definite powers, *reserving each State to itself*, the residuary mass of right to their own self-government; and, that whensoever the general government assumes undelegated powers, its acts are unauthoritative, void, and of no force; *that to this compact each State is an integral party*; that this government, *created by this compact*, was not made the exclusive or final judge of the extent of the powers delegated to itself; since that would have made its discretion, and not the constitution, the measure of its powers; but that as in all other cases of compact, among parties having no common judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress."

I do not know that it has ever occurred to any one to remark, that WEBSTER's reliance on the phrase "*We, the People of the*

United States," necessarily assumed that that phrase meant the People of the *New United States, under the Constitution*, as contradistinguished from the Old, under the articles of Confederation. If it meant the *Confederated United States*, and *their* people, and that *they* adopted and ratified the Constitution, then the violence done the phrase by WEBSTER is too manifest for argument.

Now, as the power or powers, the party or parties, that so ordained and established the Constitution, were those that had an actual and legal existence *prior* thereto, inasmuch as the creator must exist before the creature, and the ordainer before the thing ordained, the phrase "*We, the people of the United States*," necessarily meant the people of those United States *previously* existing, under their *previous* Confederation, acting as such, in the only mode of action then competent for them, and through their *then* existing lawful organs. Consequently, it *was* the people of each of the confederated States, *while* confederated—the people of each State, acting by themselves as a unit, or one party, separate and distinct from the people of every other State—that did ordain and establish the Constitution.

That is, the States, such as they were while confederated, created the new Government; and the preamble is essentially and exactly the same as if it read: "*We, the States of Virginia, Massachusetts, &c., now united in a Confederation, do, acting in concert, but each for itself, ordain and establish this Constitution.*" And thus it was that the States *reserved*, each to itself and to its people, all powers not granted by it and its people to the General Government.

But it does not follow, because the *States* made the Constitution, and assemble in Congress, that therefore this is *simply* an alliance or a league of the States. There is only one language in which their action in making it, and the results of that action, can be intelligibly described; and that is *legal* language. Let us look at the matter by the light of legal principles; not by that of mere precedent, or of narrow technicalities, but of those accurate modes of consideration and definition of the nature of political and social aggregations, which the law has adopted, in order to attain justice, and, as a means to that end, to give clear, distinct, just, and adequate ideas of the relations of associations to the individuals who compose and create them.

A town, city, parish, or county is a municipal *corporation*. So is a State, though with larger powers; and so is the United States. The people are the corporators in all but the last, and whether they or the States are corporators in that makes it none the less a corporation. The States, satisfied of the inefficiency of the Confederation, resolved to create a body politic and corpo-

rate, to be called "The United States of America." That the United States is such a corporation, and not merely a *partnership* of States, is evident from the very definition which the law gives of a corporation, and from the powers and capacities with which it is invested.

A "corporation," or "body politic and corporate," is defined to be "a body created by law, composed of individuals united under a common name, the *members* of which succeed each other, and may be continually changed, the ideal body remaining *one*, identical, and the same, notwithstanding the change of persons."

It is "a body of individuals, having perpetual succession, and invested with the capacity to act in more or less respects as an individual; an *artificial* being, existing only in contemplation of law; the creature of law; the great object in creating which is, to bestow the character and properties of individuality on a collective and changing body of men."

When A, B, and C form a mere partnership or joint stock company, *they* contract, *they* sue, *they* convey, and take by conveyance, in their *joint* or partnership names. But when the law *incorporates* the same persons into an insurance or other company, *it* contracts, sues, conveys, and takes by conveyance. The law regards the company as a *person*, having an individuality of its own, separate and distinct from that of A, B, and C; *its* property not being in law *their* property, nor *its* debts *their* debts.

It is a *person* in law. So is a city, a county, or a State. The law, by a kind of poetic personification, invests the creature of its imagination with the character, attributes, and capacities of a real and actual being. And so the Constitution regards the United States.

For all the necessary requisites of a corporation belong to the United States; inasmuch as without being such it could not in any one respect act as an individual or single person in law; and it does so in many. It has individuality and continuing identity. It is one and the same to-day as it was yesterday, and will be to-morrow. The great object is effected of bestowing the character and properties of individuality on a collective and changing body, an aggregate and series of men and States. Individual citizens are born and die, succeeding each other in constant change, and new States are formed and enter into the Union, but "the United States" remains in law the same. It is a *Nation*. *It* takes property by purchase, or by treaty after conquest; *it* grants and conveys land; *it* contracts obligations, issues bonds, sues and is sued, pleads and is impleaded, has a common seal, and possesses a variety of powers, privileges, and immunities. The plurality of *States* no more makes *it* plural than the plurality of citizens of a State makes the State a mere partnership of its citizens. The property of the United States is not *in law* the

joint property of the States. *Its* debts are not *their* debts; nor are the States parties in law to its bonds, its grants, or its treaties.

When the Constitution was made, each State was a corporation, with such powers and franchises as the people of each had chosen to invest it withal. When the Constitution took effect, and the United States began *its* corporate national existence, *it* took such powers and was invested with such prerogatives as the people of the several States, acting in their corporate capacity as States, chose to confer; and those of the States remained as before, except so far as they were limited and narrowed, or wholly taken away by the new charter.

Thus it was that the Fathers succeeded in effecting what had never before been attempted, or suggested as possible—the forming, at one and the same time, of a *Union* of independent confederated States, co-equals, and retaining their individuality as States; and a national Unity or single nation, for all necessary national purposes. They did not create some non-descript creature, *in part* a League or Confederation, and *in part* one nation and one people; but they created that which was *at one and the same time*, BOTH a League and Union of many States, and ONE State. The motto, “*e pluribus unum*,” did not mean that the many were fused together or chemically combined into one unity; but that, continuing *many*, they were *at the same time one*.

And not only were the United States meant to be one nation for all the particular purposes specified in the Constitution, and independent and equal States for all other purposes, but by a beautiful application of the same law of corporations, their corporate character as one nation appears or disappears, as we shall see, whenever it is necessary it should do so, for the interest or advantage of the States that are the corporators.

In reality, the government was still the States confederated. That was the substance of the thing. In *law*, and by a fiction, there was a *legal* being, a supposed person and entity, with a distinct individuality, as a unit and corporation, called “The United States of America.” The States used, as it was meant they should use, that fiction, as a mode of concentrating their action. They were the sole corporators; and the citizens of each, mingled with no other persons, *were* that State.

If this was *not* what the Fathers effected—if the States did *not* create the Government, and continue to be the only members of the Union—if the Constitution made the People of a State to be distinct and different from the State, so that *they* could act, and the State not act—then the government could not help sooner or later becoming the unbridled rule of a mere majority, a pure Democracy, with only imaginary checks and balances; and the Constitution could only be a frail and feeble barrier of shifting sand, against the hungry waves of Passion, Ambition, and Fanaticism.

If the States did not compose this Union, and were not the

members of it, then, called by whatever name, they were mere municipalities, and their crown and robes of sovereignty the mere tinselled trappings of the theatre. It was then folly to prate of State rights and State pride. The old Commonwealths, in whose bosom it was deemed an honor and good fortune to be born, had laid aside their greatness and their glory, and could no longer demand allegiance of their sons, nor extend to them protection. If they were so emasculated and reduced in circumstances, so far below their original high estate, as to be mere images and counterfeits of States, then there was little hope for the perpetuity of our institutions, and little in them for other nations to admire or for us to boast of. And it is because the South finds it impossible longer to resist this wretched and degrading doctrine *in* the Union, that it is now seeking safety *out* of it, and on the point of creating a new government, that shall repose on the solid foundation of the equality, independence, and sovereignty of the States. On which side shall Arkansas stand in this great controversy?

If the Union could have continued, as it ought to have done, and would have done, if men had been wise, we should insensibly have become more and more one nation. Our common flag would have made us so. Time and habit would inevitably have consolidated us, and the antagonisms of race would have died out, or combined in harmonious action. Every war we engaged in would have made the feeling of *oneness* more and more irresistible. None, I think, ever served under that flag, who did not for the time feel, with a conviction more potent than all the arguments and logic of statesmen could produce, that we were one nation, in name, fame, and destiny; who did not feel that our national motto, *E Pluribus Unum*—ONE, made up of many—was a true definition of the nature of our Government—the *manifold* welded into the *one*—oneness grown out of the manifold.

There was no necessity for any irrepressible conflict between the sections. There was no necessity for hatred, jealousies, and wrong-doing. We have been unnecessarily set against each other, by fanatical folly and unprincipled ambition in the North, and passion and rashness in the South. The harm is done. The silver chain of Union is broken; and the restoration of harmony is now as impossible as it is between husband and wife, when, estranged by their own tempers or evil counsellors, their domestic dissensions have been paraded in court, and divorce granted, not alone from bed and board, but from the bonds of matrimony. That they could and ought to have lived together in peace, makes the sentence none the less irrevocable, the separation none the less eternal. But if we had not been estranged, argument and logic would soon have become powerless against the *feeling* that we were one Nation and one People; and it would have become necessary for all men, whatever their theoretical opinions, to make up their minds, and reconcile themselves to it the best way they

could, that, as the years glided past us, the Union continuing, we should regard ourselves more and more as one nation, whatever might be the true meaning of the Constitution; and this consequence would have been the inevitable result of circumstances, and a mere act of forced obedience to the great laws of God, which constitute what we call human nature.

See, now, by one example, how beautifully these legal principles give effect to the rights of the States.

It is an inflexible legal principle, that whenever a fiction is interposed, it is always done in order to give effect to *rights*, to protect valuable interests, and to attain the very heart of what is just about the matter. The fiction cannot be made an instrument of evil, nor an invader of rights. It cannot be used for the purpose of eluding the intention of the parties; but it is always an instrument and an organism by which to reach the substance and essential reality of things. You incorporate certain persons into a bank: the fiction that there is a legal being, the bank, separate and distinct from each corporator, when substantially it is but a limited partnership, is invented and used for their protection, to carry out their intention, to make their action effectual, and not to annihilate the substantial relations and essential equities that exist between them.

Thus, whenever the United States became, in any mode whatever, by purchase or conquest, the owner of land, that land was in substance the land of the several States. Its legal capacity to act as an individual, the fiction of its identity separate from the States, would be used to give effect to, and make fully available, all the rights of the States and the people of each State, in and upon that common property. They *could not* be used to annul or render ineffectual those rights. Whenever the effectuation of those rights demanded it, the *fiction* would vanish, and the States be regarded as the *real* owners of the lands, the Lords Proprietary.

When a portion of country thus became the common property of the States, it was held in trust for them by the United States; in the same sense, somewhat inaccurate, in which the property of a corporation is said in the law to be held in trust by it for the corporators. The meaning is, that *in law* it is *its* property, but *in reality* it is theirs; that, so far as it is necessary, in order to carry out their intentions and subserve their interests, the law will *use* the legal fiction, and *regard* it as *its* property; but when justice and convenience require the fiction to disappear, it will regard it, as it *really* is, as *theirs*.

Now, besides their real ownership of the land, the States had great political and social interests in the territories, considering them as nascent or embryotic States. Each State had the right to demand that they should be opened as wide to its own citizens, as to those of any other State or number of States; and the *Southern* States, that *they* should have a *fair* chance in the peace-

ful struggle for additional political weight and power in this confederacy. The duty of each to its own citizens also gave it a right to insist that they should not be directly or indirectly excluded from the common territory. It had necessarily the right to demand that they should be there protected in the enjoyment and possession of whatever they carried thither, that was their property by its laws. And, if the Constitution really warranted the Northern States in Congress, or the people of a Territory, in denying the South these equal rights in the common territory, then it was the duty of the Southern States at once to withdraw from a Union in which they never were equals.

Short-sighted men imagined it was we, who, insisting in 1860 on these rights of the South, brought upon the Country the dangers of Disunion; but a truer wisdom taught us, that only in the principle we proclaimed was safety, and that we were the truest Defenders of the Constitution and the Union. Whether present victory or defeat awaited us, was of little moment. Truth would still march onward in serene majesty, whether we stood or went down in the shock of the battle. The South would at last rally to the flag of the equality of the States and the protection of all constitutional and legal rights, when the passions and angers of the contest should have passed away; and its States would stand with linked shields, in one compact and solid phalanx, demanding in the calm tones of conscious power the maintenance of the Constitution as the condition of the continuance of the Union.

They have demanded that, if indeed some of them have not condescended to beg for it. What is the result? The Republicans in Congress refuse Concession and threaten Coercion. They accept no propositions of Compromise. The personal-liberty laws of many Northern States, that make it an infamous crime in a master to reclaim and recover his slave, legally, under the laws of the United States, still remain unrepealed. Although the Supreme Court solemnly decided, if it decided nothing else, in the Dred Scott Case, that a negro cannot be a citizen of the United States, fifteen thousand of them voted in Ohio for Lincoln. The whole North with one voice declares that there shall be no more slave territory; and its most powerful States tender arms, men, and money to the General Government, wherewith to subjugate the South. What was it the right and duty of the Southern States to do, when it thus became evident that folly and fanaticism, rapacity and lust for power and office, taking the Northern men captive, have rendered it impossible for them longer to remain in the Union as the equals of the Northern States, or without abandoning the cardinal tenets of their political faith, unless new and ample guarantees can be obtained? and what mode of procedure offered a rational hope of the obtaining of such guarantees?

It is the deliberate opinion of at least seven of the Southern

States, that withdrawal from the Union is the course most proper to be adopted, the only remedy of efficacy sufficient to cure the disease and bring the North to its senses, if indeed any remedy can effect that. In those States and others, the only question has been, not as to the right or propriety of secession, but as to the expediency and policy of separate secession, as compared with separation by the conjoint action of all or several of the Southern States. It is evident that the right of all or several to secede, must depend upon the right of *each* to do so. For the right, if it exists at all, flows from this, that the States are the parties to the compact, and a gross violation of it by the majority of the States, to the injury of any one, gives that one, and each one so injured, the right, at its option, of regarding it as at an end and rescinded. The right must needs be the individual right of each State. Certainly it is qualified by the interests of the other States that have not violated the compact, as almost all rights are, in societies of States or individuals. But still, each State having the right to secede, must determine for itself as to the propriety or expediency of the act; and that right has already been exercised by six States, and will in a few days be exercised by one more.

This right of secession is strenuously denied by the Northern States, and even by a respectable number of persons in the South; but as a right to be exercised only in an extreme case, of grave violation of the Constitution, when there is no other sufficient remedy, it seems to me that in the very nature of things it *could* not have been parted with by the States; and that its exercise is neither treason or rebellion.

The right to secede flows necessarily from the fact that the States *made* the Constitution. If one party to a compact violates it, the other may at his option treat it as rescinded; or, as WEBSTER once said: "A bargain broken on one side is broken on all sides."

James II., of England, procured all the Twelve Judges of the Realm to decide, when the question had been purposely raised, and was in issue, that he had the power to dispense with the prohibitions of an Act of Parliament, and remove the disabilities imposed by it. It is not impossible that some future President and Congress may find a majority of the Judges of the Supreme Court, as pliant to work *their* will. If it were to be procured to sustain the Constitutionality of an Act of Congress abolishing Slavery in certain States, would there still be no right to secede on the part of those States? If, acting upon the notion that one people made the Constitution, Congress should call a Convention of Delegates from all the States, and, the South refusing to sit there, the Convention, representing the popular majority, should proceed to change the Constitution, and annul important rights of the South, would there still be no right to secede? The States are equally as much bound by any amendments to the Constitution regularly

made, as by the original articles. If the North were to multiply its States until it had three-fourths of all, and then change the basis of representation in the Senate, fixing it according to the population of each State, and so depriving every Southern State of that whereof the Constitution expressly declares no State shall ever be deprived, "its equal suffrage in the Senate," all other remedies failing, would there be no right to secede? The new Senate is the sole judge of the elections and qualifications of its members. It admits, for example, ten from New York, and decides that Delaware is entitled to but one. There is no remedy for this *in* the Union, no appeal to the Courts; Power is lawless, and majorities unreasoning. Is there still no right to secede?

Absolutely to deny the right of Secession, is to say that the constitutional rights of the Southern States may be denied, and they continually insulted and outraged; that all remedies in Congress, in the Courts, and elsewhere may fail them; that the other States may violate the Constitution at every point, and yet that they may hold the Southern States in the bonds of obedience to it; and that the latter will yet have no right to throw off this intolerable yoke, and escape from this humiliating servitude, by saying that "a bargain broken on one side is broken on all sides," and that they withdraw from a union that no longer deserves that name.

Admit the right in the extremest case, and you concede the whole principle. Then it only becomes a question of the sufficiency of the cause. I admit that the cause must be grave to be sufficient. I admit that the remedy is a severe and extreme one, fit to be used only in the last resort, and when all others have failed; and I am now satisfied that no *other* remedy could cure the disease under which the body politic now labors, if indeed that of Secession has that virtue. No remedy less sharp and decisive could have brought the North to its senses. Indeed, it still seems to be far from sane. I am now satisfied that even Secession, even the formation of a Southern Union, will not cure the Northern people of their fanatical delirium, unless it bring upon them such ruin as nations have rarely experienced, and experiencing lived.

That the South has, and has long had, ample cause for separation, few men, at the South, will be disposed to deny. We need not fear, on that point, to demand the judgment of an impartial world. For that our rights have long been jeopardized and denied, and the Constitution shamelessly violated by the Northern States, it is in vain for any one to endeavor to dispute.

The provision of the Constitution that guarantees the return of fugitive slaves, is virtually annulled. It costs as much to reclaim a slave as he is worth, and exposes the owner, in many of the Northern States, to be harassed by suits civil and criminal, that make his remedy worthless to him. For this deliberate, shameless violation of the compact, persisted in and become habitual, the

South has the present right to dissolve the Union. A State that so nullifies a part of the Constitution, loses all right to any of its benefits; and the Southern States might well have insisted that Connecticut, Vermont, Massachusetts, Wisconsin, and other of the Northern States should be expelled with ignominy from the Union, as the condition of their own continuance in it.

A person who speaks for Massachusetts in the Senate has lately arraigned the Southern States as "the Barbary States of the Union," before the bar of the world, and impeached the courage, the honor, and the decency of all their people, in stilted Ciceronian sentences, steeped with gall and bitterness, and reeking with malignant falsehood. No one should have replied a word. And when his State formally, and with the intention of branding the insult in upon the South, endorsed his harangue and made it her own, either *her* Senators should have been expelled, or those of all the Southern States ought, in strict justice to their constituents, to have withdrawn from that desecrated and dishonored chamber. If they had done so, the whole South would have leaped up with one great cry of joy and applause, and have made the act their own.

It is common enough to hear it said that the right of secession is a *revolutionary* right. That is mere nonsense. Revolution is the means of compelling an acknowledgment of rights denied. The *rights* so denied are not revolutionary, though there is a right to resort to revolution, if they cannot be otherwise enforced. The former right must exist before the latter can arise. There can be no right to deny a right. The exercise of other rights than secession might produce revolution; but it would be a solecism to call them "revolutionary" rights—a solecism only explainable by the incurable propensity of men to use words that mean nothing. Such is the right, in the Senate or House, to be exercised in extreme cases, of refusing to vote supplies, in consequence of unconstitutional conduct on the part of the Executive or the other branch of Congress. The exercise of this right might produce revolution and destroy the government; but it could be none the less a perfect right, and the revolution the consequence, not of its exercise, but of the unconstitutional act which made it necessary.

So the exercise of the President's power of vetoing an act of Congress might produce revolution; but nevertheless these and all other such rights and powers are great *conservative* ones, intended to exist, and to be resorted to when extreme measures only will arrest an evil otherwise incurable and deadly. The right to secede is a power in reserve, acting as a restraint upon majorities of the States that might otherwise encroach upon and at last annul the rights of the minorities under the constitution. The *existence* of such a right, though never exercised, is beyond calculation conservative. Deny it, deny that if the Supreme

Court persists in holding an unconstitutional act to be constitutional, a State, injured by such decision, may, as a last resort, when all others fail, withdraw from the Union, and you annihilate one of the most important checks of the system.

At any rate, the question of the right of secession is receiving a practical solution. South Carolina, Florida, Alabama, Mississippi, Georgia, and Louisiana have already, by formal ordinance adopted in convention, withdrawn from the Union, and become each a foreign country to us, if it is possible for a State to do so by her own solemn act; and in a week or two more, Texas will have in like manner severed the bonds of union, and resumed her independence.

There may be different opinions as to the necessity, wisdom, policy and expediency of this measure. I, for one, did not believe that the necessity of resorting to this extreme remedy was as yet upon us. I thought we ought not to despair, so long as there was hope of a returning sense of justice in the Northern States. I doubted whether secession would prove a remedy for any of our evils, or give any additional security to our rights; and above all, I was enthusiastically attached to the Union, under whose flag I had fought. Disunion seemed to me equivalent to downfall, disaster and ruin, whereby we should become a mock and a by-word all over the earth.

And I thought, that, when separation should become inevitable, the Southern States ought not to secede separately, but that they should act in concert, meet in convention, decree the separation, construct and set on foot a new government, and thus, being strong to repel attack, make it insanity on the part of the Northern States to attempt to dragoon them into submission.

That was my individual opinion. Perhaps Arkansas thought so. But the other Cotton States did not think so; and they have acted for themselves. Can they ever return into the Union? Is any compromise possible, with which they and we ought to be satisfied? And how can such a compromise be effected? These are the only questions that now concern *them*. The rest are obsolete; and these equally concern *us*; for the inexorable decrees of destiny will compel us to unite with them. Events, as is usual in Revolutions, have outrun us. What was possible yesterday is not possible to-day. What is possible to-day, will be impossible to-morrow. The Republican leaders have made compromise for the present impracticable. The concessions that would at first have saved Charles the First of England, and Louis the Sixteenth of France, their thrones and heads, withheld too long, were counted as nothing, when granted; and such is the effect of delay in our case.

No concessions would now satisfy, and none *ought* now to satisfy the South, but such as would amount to a surrender of the distinctive principles by which the Republican party coheres,

because none other or less would give the South peace and security. That party would have to agree that in the view of the Constitution, slaves are property; that Slavery might exist and should be legalized and *protected*, in territory hereafter to be acquired to the Southwest; and that negroes and mulattoes cannot be citizens of the United States, nor vote at general elections in the States. They would have to repeal their laws that make it a crime in a master to reclaim his slave, that menace him with the penitentiary, and are meant to rob him of his property; and, instead, they would have to agree to deliver that property up in good faith.

For that party to make these concessions would simply be to commit suicide; and therefore it is idle to expect from the North, so long as it rules there, a single concession of any value. They will not be made, if ever, until the *People*, impoverished and distressed, if not invaded by universal ruin and general bankruptcy, with starvation in the cities and destitution in the fields, shall have learned no longer to intermeddle with what in nowise concerns them. Then proper concessions may be made, by the general consent of the people; and if so made, the settlement will be permanent. But if made sooner, under the influence of a temporary terror, or by the management of politicians, the immediate result could not fail to be, as indeed it would most probably be in any event, after whatever solemn settlement, that, as soon as the danger of disunion was over for the time, as soon as the seceding States had returned into the Union, an agitation would commence in the North, stirring it to its profoundest depths. The compromise would be denounced from every pulpit and rostrum and in every canvass, as a league with hell and a covenant with the Devil. Those who made it would be politically slaughtered; and after such convulsions as the country has never felt, the whole work would be undone, and the Southern States be forced again to secede, when secession would have become a farce.

It is certain that none of these concessions can be had at present; and events will not wait until they can be obtained. Perhaps a compromise might be brought about, if we had breathing time. It would require a year or two, at least. Except so far as they tend to prove to the South that it is impossible now to obtain any guarantees from the North, thus urging upon the Border States prompt and vigorous action, all the propositions, plans, and projects for a compromise are not worth the paper they have been written on.

We were often enough told in 1860 that the territorial question was a mere abstraction, since we had no territory as to which the matter was not actually settled. Strange! how much men are like bats in the daylight!

The Northern States are now nineteen to our fifteen—counting

Delaware as one of ourselves. They outnumber us, in white population, nearly two to one. They increase, principally by foreign emigration, in a much larger ratio than we do. They have a great country yet to be peopled, sufficient to make six or seven States. British America will, in all probability, desire to become, at no distant day, a part of the Union, if it continues; and a simple act of Congress will admit it. The North announces it to be its fixed determination, that there shall be no more slave territory; and, therefore, we must either acquire no more from Mexico, or, if we do, we must consent to see it made into Free States. We may fight for and help to pay for more territory; but we must do so for the benefit of the Pharisees among the States, alone. How long would it be, under that system, before the union of North and South would be like that between England and Ireland; which, obtained by bribery, has been always maintained by force?

It is strange that statesmen do not see that here is the great question between the sections. To expand is the destiny and necessity of every young and growing nation. It is a law of its being. You cannot repeal it; and if you oppose it, it will crush you. By the law of growth and by natural right, the Southwest is as much *ours*, as the Northwest is the heritage of the Northern States. This law is more imperative with us, because another law is superadded, by which slavery gradually drifts off to the southward, seeking more profitable fields of labor.

Now the North says to us: "We will expand indefinitely to the Northwest, and make new States there, as Europe pours upon our shores her Teutonic and Celtic multitudes. Our political power in the Confederacy shall increase daily, in a continually accelerated ratio; if we acquire territory to the Southwest, we will fill that likewise with our Vandalic hordes, until our States number three-fourths of the whole. In the mean time, you shall remain as you are. You shall not expand to the Southwest; and we will also force slavery to recoil and disappear from the Border States."

On THIS point they will make no concession. The Compromisers hardly dare to ask them to do it. Do not deceive yourselves, Virginia and Kentucky! with vain hopes! There will be no concession on *this* point.

We have *four* millions of slaves. How many years will elapse before we have ten millions? These—all—are to be henceforward confined to the present Southern States. No doubt it will be well enough so, during *our* lifetime; *but how will it be with our children?* Are we ready, in order to purchase quiet and peace for ourselves, to bequeath such a curse and calamity to *them*, as the perpetual confinement of slavery within its present limits would be? Shall we, to avoid a present danger, and that we may be permitted to fold our hands and sleep in our dishonor, devise to them that

accursed legacy of a superabundant, swarming negro population, denied outlet, until their labor, like that of white men elsewhere, is not worth their food and clothing, and hunger and discontent light the torches of servile insurrection, and Earth and Heaven shudder at the hideous atrocities and horrors that follow? I, for one, will not consent to it. Better even Treason against an unrighteous Government, than Treason against our own children!

Here is the *true* and *great* issue; and it concerns *every* man and every woman in the South. We cannot sign the bond which the North insolently demands, to this effect, that because we are "the Barbary States" of the Union, and "Slavery is the sum-total of all villainies," therefore we shall not seek to expand and grow. For it is both our right and a necessity to grow and plant new States. It is God's law; and the attempt to stay its operation has already shivered the Union as one shivers a vessel of fragile glass.

Devotion to the Union was for a long time an almost idolatrous sentiment with nearly the whole South; and secession seemed the sum of all horrors and disasters. But we are at last compelled to look separation in the face. Most dangers seem greater at a distance, than when we grapple with them. Secession, at hand, and in part consummated, does not seem to the South one tenth so terrible, as when it frowned upon us while yet in the future. The act once accomplished, or become inevitable, men begin to find more and more reasons whereby to justify it; to prove its necessity and its expediency; to show that a much longer continuance of the Union was impossible; and that the evils of separation were chiefly imaginary, or at any rate vastly exaggerated. They begin to think and say, that disunion does not necessarily involve civil war, which can settle nothing and effect nothing, at least in the direction of reconciliation. At any rate, they say, it will produce neither anarchy nor disturbance in the South: since it is the American nature to establish order and maintain some sort of free government, even under the most adverse circumstances; that in a little while the Southern States will hold a Convention, adopt the present Constitution with a few necessary amendments, and set a national Government on foot, which all will at once respect and obey.

They begin even to say, that as the North entertains views of the nature of the Government, radically and essentially different from those which have always been the political religion of the South, this must ultimately have divided the Republic; that the people of the South and those of the North are essentially two races of men, with habits of thought and action very unlike; that the Southern States are essentially homogeneous, and perhaps no people in the world is so much so as that which composes almost their entire population; there being among them but a very

inconsiderable percentage of foreign blood, except in Louisiana; and none of them having much in common with the character and habits of New England, and of the States chiefly populated by the swarms that have flowed forth from that teeming hive; while the immense and incessant influx of Teutonic and Celtic blood into the North, plays no unimportant part in making it and the South more and more two separate and distinct peoples.

They begin to say that this North, so unlike the South, and with its different theory of the government, is becoming too strong for us; that the present form of government has lasted its full time, and separation is a merely natural process; since the country is too large and has too many varied interests for us longer to continue one household; that the Union never was anything more than a truce, maintained by continual bribery of New England, on the part of the other States, from the very first, with protective tariffs, the carrying trade, fishing bounties, and other gratuities that she has continually clamored for.

If we add to this the fixed determination of the North to intermeddle with slavery, and the equally fixed resolution of the South not to permit such interference, which, while dangerous, doubles the wrong by coupling it with insult, it is not strange that Southern statesmen begin to think and say that it is well that separation has come now, before the North has become strong enough to prevent it, and the South too weak to resist, with her public men debauched perhaps by the manifold bribes that a great nation can offer to avarice and ambition; and before Mexico had been occupied by the North or a foreign power.

There is still a possibility of reconstruction and reunion. But it will not last long unless wise men have control on both sides; and it will disappear at once and forever, if resort is had to the arbitrament of arms. Surely no man of ordinary intellect can be so blind as not to see that if from disunion civil war results, that will amply justify disunion, because, as there is neither desire nor motive on the part of the South to aggress upon the North, hostilities must be initiated by those who were lately our allies, must be unjustifiable, malicious, revengeful—springing either from a determination to intermeddle with slavery after they have ceased to be responsible for it, and so to excite servile insurrection, with all its multiplied hideous horrors; or from a fixed purpose to whip us back into the Union, in order that we may afterwards be their serfs. In either case, hostilities thus initiated will prove that the alliance between us and them was unnatural and unfit, and its longer continuance dangerous and disgraceful to us.

If disunion is *not* followed by war, there is no reason why it should entail upon us any serious disasters. The Southern States are large enough for an empire, and wealthy and populous enough to maintain a government that all the world must respect. And surely no true man in the South will believe that there is not

wisdom enough or patriotism enough among its people, to enable them to construct, set on foot and maintain a constitutional government, republican and conservative.

I can see only one mode in which peace can be maintained. The border States ought to hesitate no longer. If they do, coercion will be attempted by the Northern States, and they will be parties to it. They should at once unite with the States that have seceded and are yet to secede, meet them in convention, and aid in framing a Constitution, and setting on foot a Government. When thus united, the matter will have assumed quite a different aspect from that which it wears at present. There will no longer be half a dozen seceded States, but a new and powerful Confederacy, to attempt to coerce which would be simple fatuity. A war against it would be too expensive a luxury for the North to indulge in, and would moreover defeat its own purpose; since it would not only render a restoration of the present Union impossible, but would also make enmities eternal, which otherwise would be only evanescent. A treaty of amity and reciprocity, easily made if no blood is shed, will keep open the door, at least, for complete reconciliation, and in the mean time make an alliance more profitable to each country than an inharmonious Union; and when their people were no longer responsible, as they now think or pretend they are, for slavery within our limits; when the outrages they now perpetrate with impunity would be acts justifying war, those among them who regarded their substantial interests would *compel* the fanatical and rascally to attend to their own affairs, and let our property alone.

I do not see how war is otherwise to be avoided, or reconstruction hoped for. The delay of the Border States encourages the Republicans. As soon as Lincoln is inaugurated, he cannot help but attempt to coerce the seceding States, if the Border States still delay. *Laws will be passed in time, giving him men and money, and requiring "the enforcement of the laws, and the collection of the revenue."* Emboldened by the hesitation of Virginia, Kentucky, Tennessee, and Maryland, we can see that the Republicans become more insolent, and speak in bolder tones of rebellion and coercion. Thersites Hale talks bravely, Lincoln objects to any compromise; and the very fact that any States have seceded is ignored. The names of their members are still called in both Houses.

Action, action, action, is necessary. The Southern States must make common cause. Blame South Carolina as much as you will, the attitude of the North, and all the acts of the Republican party, go very far to prove, even to those most reluctant to believe it, that the separation of the Southern States has not occurred a day too soon.

Lincoln, who declares against any compromise, selects *Seward* for his Secretary of State. Sumner laughs in the Senate as the Southern States withdraw; and Lovejoy exults at the prospect

of letting slip the dogs of war. The *New York Journal of Commerce* well says—

“Much of the zeal which is manifested among certain classes all over the North, including many notorious law-breakers, for the faithful execution of the laws in South Carolina and other seceding States, is only an out-cropping of that intense hatred against the South which thirty years’ cultivation has produced. At first, such malignity is measurably satisfied by hard words and foul imputations. But as it becomes more fiendish and diabolical, it craves higher-seasoned food. It longs to get at its victim with a butcher-knife. It thirsts for blood. John Brownism affords a temporary relief, but it is a hazardous business, and too circumscribed. Murder by wholesale is what is wanted by the class of fanatics to whom we allude; and a WAR, which would make the slaughter legal [recollect their sacred regard for law], and not expose their own precious lives to danger, would be just the thing. A war, too, ostensibly to preserve the Union and enforce the laws! Could anything be more exactly in point?”

“But this is not all. The view of these fanatics is not confined to the butchery of masters, it looks also to insurrection among the slaves. It is John Brownism on a large scale. And what an opportunity to inaugurate it, with the power and purse of the Government to support the movement!”

More has been done in the last six weeks to satisfy the people of the South that the mass of the people of the north are their enemies, and that the continuance or restoration of fraternal relations with them is simply impossible, than had been done in ten years before.

Whatever we may have thought or wished, Fate has been too strong for us; the die is cast, and the act *done*. The Past is no longer ours. The Present and the Future alone belong to us. It is profitless to inquire who are to blame for the present condition of affairs, or to disclaim responsibility on our individual part. Inexorable circumstances ever mould our destinies, and of these the acts of other men are a great part. It is the condition of human life that their acts should affect us potently for weal or woe. We have now only to accept the responsibility, look the Present steadily in the face, and take precautions and make provision for the Future.

Reconciliation, by means of amendments to the Constitution to be made or agreed to by the North, being simply impossible for the present; first for want of time, and next because they cannot be carried by three-fourths of the States, only one possible mode remains. If the Southern States adopt the Constitution, with no other amendments than such as are necessary for their protection, and as experience has shown to be necessary, with none that can be unfair or injurious to the Northern States; if they establish and set on foot a government under the Constitution so amended,

and invite the other States to unite with them under it, a restoration of the Union, and a better Union are possible. There is, in my opinion, no other hope whatever.

In the meantime, since the States that have seceded will surely frame a Constitution and establish a government, the Border States, including Arkansas, are called upon to decide what course of action on their part will be most consistent with their honor, and most conduce to their safety. A Statesman must know when to abandon the Impossible, how dear soever to him it may be, and how much soever his consistency is involved, and turn wholly to that which is Practicable. Shall Arkansas share the fortunes of her sister States, from whom most of her people come, who have heretofore defended the same Constitution against a common enemy, and who are connected with her by all the ties of one blood, the same habits of thought, the same prepossessions and customs, the same interests, and a common destiny? Will she stand aloof, and await the issue of the struggle, before determining with which side she will cast in her fortunes? Or will she adhere to the North, and become a party to all that may be done in order to subjugate the seceding States? Will she assist to do that? Would she even look on as a neutral, and without striking even one good blow in their behalf, see them crushed under the brutal heel of Power, or lashed back into the Union?

If Arkansas and the other Border States mean to unite with the Seceding States, in case proper guarantees are not given by the North, they may as well do so at once. If any compromise is patched up, somebody will be sold. No such guarantees can be had. Accept such as you can get; and you will soon see what convenient things words are, to cheat withal. Surely you will not let the Seceding States alone make a final Constitution for the Southern United States. It is not possible that any Southern State can be willing to consent to that; can desire to be placed in such position as that they must either simply accept or simply reject that Constitution, after having had no voice in settling its provisions? Surely that would be beneath the dignity even of a young State like Arkansas, and much more beneath that of Virginia. For even Arkansas, let us hope, has sons whose wisdom and judgment might be of some value, and whose opinions might exercise some influence and command some attention. It will surely be very unfortunate if the sober, wise, conservative counsels of Virginia, Maryland, Kentucky, and other of the Border States, should not be heard. It is of the utmost importance that *all* of the Southern States should co-operate in making the new Constitution, lest rash experiments should be tried and the old landmarks injudiciously removed.

The fourth of March is near at hand. If Arkansas is then found in the Union, she will be a party to whatever may have been or may then be done by the Government of the United

States. Its acts of coercion, its denials of the rights of the States, its claims of more than Imperial powers, will be her acts, her denials, her claims. When the Senate is convened by the new President, if her Senators answer to their names, as I hope they will *not*, whatever *she* does, they will find themselves, seven States at least occupying no seats there, in a miserable minority; and yet Arkansas will be a party to whatever acts of oppression may be done there by the nineteen Northern States, and the jubilant Abolitionists and Republicans who will then fill that gaudy gilded chamber.

It must not be forgotten, that, if the South returns into the Union, she too will have to make, by implication as strong as express agreement, certain concessions on her part. She will never afterwards be permitted to protest against protective tariffs, nor against laws securing the coasting and carrying trade to Northern bottoms; nor against fishing bounties; nor against a homestead law, to give land to the landless, offer bounties to foreign emigration, and carry out Seward's project of peopling the Territories with foreigners in preference to the native-born; nor against grants of land and money to build a Northern Pacific Railroad withal; nor against internal improvements in the Northern States by the General Government; nor against the erection of light-houses, and the construction of harbors, breakwaters, forts on the Northern Lakes and North Atlantic Seaboard; nor against the making of hot-beds, in which to force new States into a precocious maturity; nor against the acquisition of British America; in short, that we shall in all the future never escape the necessity of aiding with all our might in building up and strengthening the North, until, a hundred-armed Briareus, only the feeble barrier of its good faith shall restrain it from strangling us in its embrace.

If this, or much of it, will probably be the fruit of even a compromise and settlement, we may readily imagine how powerless to resist in all these respects we shall be, how ludicrous any future attempt to resist will be, if we stand by and permit the seedling States to be subjugated by the Federal Power. After that, it would be supremely absurd for us to whisper even to ourselves in our chambers, that this government is the result of a compact between the States. The Virginia and Kentucky doctrines of 1798 would have become utterly obsolete; and the most ultra Federalism the universal orthodoxy.

We cannot separate from the cotton growing States. As well expect a limb severed from the human body, to live. "Sink or swim, survive or perish," our destiny and theirs must be one. We must manfully accept our destiny, meet the danger half-way, and if overcome by it, *deserve*, at least, to have conquered.

The sober truth is, that a revolution of some kind had become as indispensable as thunder storms are to purify the stagnant

atmosphere. The body politic had become sick, almost unto death. Self had become everything, and the Country nothing. Corruption, and the prostitution of public office and place to private profit had become so almost universal, and so little disgraceful, that without a great change it was not possible for the Republic to endure.

The Government had become a great market-house, in which everything was bought and sold. It was well said, a year or two since, in the Senate, that ours was the most corrupt Government on the face of the earth. I am not sure but that all the distresses and disasters, the ruin and reverses that may be consequent on a long war will be well repaid by the patriotism, long unknown, which under these stimulants and the pressure of public and private adversities, will be developed and become common in the South; by the return to the simple habits of our fathers; by the capacity, now unsuspected, in multitudes of men, to make great sacrifices for their country; by the disappearance from public life of the pestilent small Demagogues who infest all stations, and bring to the discharge of the duties of place and office, only ignorance and incompetency, and often dishonesty; and by the upraising by God of great men in their places.

It is only in the shocks and conflicts caused by great questions that great intellects rise and rule; and it is by them that the attention of the people, habitually little given to profound reflection, is kept fixed upon public affairs, and their interest in those affairs maintained. When there are no such questions, that excite and arouse the passions, and alarm those to whom the interest and honor of the country are dear, then in the stagnant waters corruption breeds; small questions make the turning points of politics; and as they can as well be dealt with by small intellects as by great ones, those busy and bestir themselves, and after a little, push the truly great men from their places, and all becomes, in deliberation as well as action, trivial and contemptible; the petty intrigue, the low cabal, place put up for sale and power, held in unwashed and unworthy hands, prostrated to the most ignoble purposes. Great occasions and great controversies alone produce greatness in a nation. When these die out, all is petty squabbling and low manœuvring.

If the worst should come, and re-construction of the Union be at the last found to be impossible, there will still be no reason for despair. Let the occasion and the State's necessity demand Wisdom and Patriotism, and it will be found that men are as wise and patriotic now as they were eighty years ago. Who is there that is willing to admit even to himself, that the Southern States are not wise enough to make and strong enough to maintain a free government? When they meet in Convention to frame one, they will, fortunately, not have to *discover* the great principles of Constitutional Government. These are already

embodied in our present great Charter; and the experience of seventy years has developed its few defects, and shown in what respects and how it needs amendments.

Let us concur in making these amendments, or adopting this Constitution, in establishing a Government for the Southern States. Let us arm, and perfect our military organization. Let us invite the North again to unite with us, and offer them, if they decline, a treaty of amity and reciprocity, peace and the mutual benefits that flow from friendly intercourse. And having thus done our duty, and provided for every emergency, we may tranquilly await the result, sure in any event that we shall not be dishonored.

It is the common cry that the dissolution of this Union will be the signal failure of our experiment of free government; and make us a by-word and an object of contempt all over the world. On the contrary, we are now proving that our institutions are not a failure. The world never saw such a drama as is now being enacted here. Without anarchy, without disorder, without interruption of the free and ordinary course of the laws, without martial law or suspension of the habeas corpus act, or troops to prevent or punish popular excesses, or even an increase of the police, the separation of a great Confederation of Sovereign States goes quietly on, with all the forms of law, all the solemnities of deliberation, all the decorum that could characterize the most ordinary proceedings in a period of profound peace.

Here only, in all the world, could such a spectacle be exhibited. If war results from it, it will not be by our fault; but in consequence of Northern avarice reluctant to let those who have so long been its tributaries go free, and resolute to substitute another government for that which our forefathers made. And, whatever their determination, if the present Union be not restored, and we are such men as have heretofore built up empires, we shall establish a new Republic, that shall outlast us and our children, and vying with its Northern Ally or Rival in arts and arms, surpassing the proudest glories of their common Ancestor, shall still prove to the world that the great experiment has *not* failed, and that men *are* capable of governing themselves.



